

91<sup>st</sup> Legislative Session – 2016

Committee: Senate State Affairs

Monday, February 08, 2016

P - Present  
E - Excused  
A - Absent

Roll Call

P Hunhoff (Bernie)  
P Sutton  
P Brown  
P Holien  
P Otten (Ernie)  
P Soholt  
P Tieszen  
P Solano, Vice-Chair  
P Cammack, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gary Cammack, Chair.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 5, 2016

Moved by: Brown  
Second by: Soholt  
Action: Prevailed by voice vote.

SB 104: set the time period for when an agency may promulgate rules.

Presented by: Senator Vehle  
Proponents: Tony Leif, Department of Game, Fish and Parks

MOTION: AMEND SB 104

104sc

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 1-26-4.3 be amended to read:

1-26-4.3. No permanent rule may be adopted if more than seventy-five days have passed from the date the public hearing on the rule commenced. The agency shall appear before filed with the secretary of state without the review of the rule by the Interim Rules Review Committee and present the proposed permanent rule to the committee within the seventy-five-day period before the rule is filed with the secretary of state. If the Interim Rules Review Committee fails to meet on the proposed permanent rule during the seventy-five-day period, and if the agency has complied with subdivisions 1-26-6(1) to 1-26-6(4), inclusive, the agency may complete the rules adoption process by complying with subdivision 1-26-6(5) notwithstanding subdivision 1-26-6(6). No permanent rule may be filed with the secretary of state if more than sixty days have passed from the date the Interim Rules Review Committee reviewed the rule. No emergency rule may be adopted if more than thirty days have passed from the date the notice of intent to adopt an emergency rule was published in the manner prescribed in § 1-26-4.1."

Moved by: Brown  
Second by: Holien  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 104 AS AMENDED

Moved by: Brown  
Second by: Holien  
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Hunhoff (Bernie), Brown, Holien, Otten (Ernie), Soholt, Tieszen, Solano, Cammack

Excused: Sutton

MOTION: PLACE SB 104 ON CONSENT CALENDAR

Moved by: Holien  
Second by: Solano  
Action: Prevailed by voice vote.

SB 105: provide for the construction, renovation, improvement, remodeling, alteration, addition to and repairing of courthouses, jails and other necessary buildings.

Presented by: Senator Holien (Handout: 1)  
Proponents: Lee Gabel, Codington County Commissioner (Handout: 2)  
Representative Bartling

Eric Erickson, South Dakota Association of County Commissioners  
Toby Wishard, Codington County Sheriff  
Josh Boll, Walworth County Sheriff  
David Siemon, Walworth County Commissioner  
Staci Ackerman, South Dakota Sheriffs Association  
Opponents: Jim Terwilliger, Bureau of Finance & Management

**MOTION:** DEFER SB 105 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Solano  
Second by: Soholt  
Action: Prevailed by roll call vote. (6-2-1-0)

Voting Yes: Hunhoff (Bernie), Brown, Otten (Ernie), Soholt, Solano, Cammack

Voting No: Holien, Tieszen

Excused: Sutton

HB 1039: revise various trust and trust company provisions and to establish and regulate South Dakota special spousal trusts.

Presented by: Bret Afdahl, Department of Labor and Regulation  
Proponents: Terry Prendergast, Sioux Falls, self

**MOTION:** DO PASS HB 1039

Moved by: Tieszen  
Second by: Solano  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Hunhoff (Bernie), Sutton, Brown, Holien, Otten (Ernie), Soholt, Tieszen, Solano, Cammack

**MOTION:** PLACE HB 1039 ON CONSENT CALENDAR

Moved by: Tieszen  
Second by: Otten (Ernie)  
Action: Prevailed by voice vote.

SB 118: exempt certain purchases from certain bidding requirements.

Presented by: Senator Heinert

Proponents: Don Reinesch, Brule County Commissioner  
Eric Erickson, South Dakota Association of County Commissioners  
Representative Schaefer

THE CHAIR DEFERRED SB 118 UNTIL ANOTHER DAY

MOTION: ADJOURN

Moved by: Brown

Second by: Soholt

Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

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Gary Cammack, Chair